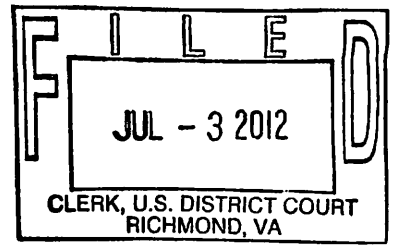


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



BARBARA KATES,

Plaintiff,

v.

Civil Action No. 3:11cv304

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

**ORDER**

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge entered herein on May 25, 2012 (Docket No. 14), the PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION (Docket No. 15), the DEFENDANT'S RESPONSE TO PLAINTIFF'S OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Docket No. 16), and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATION (Docket No. 15) are overruled;

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 14) is adopted on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The plaintiff's MOTION FOR SUMMARY JUDGMENT (Docket No. 8)  
is denied;

(4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Docket No. 10)  
is granted; and

(5) The Commissioner's decision is affirmed.

It is further ORDERED that the issues are adequately addressed  
by the briefs and oral argument would not materially aid the  
decisional process.

It is so ORDERED.

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/s/ *REP*  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: July *2*, 2012